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## NOTICE OF ALLOWANCE AND FEE(S) DUE

32986

7590

12/14/2009

IPSG, P.C.  
P.O. BOX 700640  
SAN JOSE, CA 95170

EXAMINER

BAIRD, EDWARD J

ART UNIT

PAPER NUMBER

3695

DATE MAILED: 12/14/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,060	03/25/2004	Pierre L. Laurent	FRT-P001	7857
TITLE OF INVENTION: FREIGHT FULFILLMENT AND TRADING PLATFORM				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/15/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** Mail **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

32986 7590 12/14/2009  
 IPSPG, P.C.  
 P.O. BOX 700640  
 SAN JOSE, CA 95170

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,060	03/25/2004	Pierre L. Laurent	FRT-P001	7857
TITLE OF INVENTION: FREIGHT FULFILLMENT AND TRADING PLATFORM				

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nonprovisional	YES	\$755	\$300	\$0	\$1055	03/15/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
BAIRD, EDWARD J	3695	705-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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BAIRD, EDWARD J				
ART UNIT			PAPER NUMBER	

IPSG, P.C.  
P.O. BOX 700640  
SAN JOSE, CA 95170

3695  
DATE MAILED: 12/14/2009

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 697 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 697 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/810,060

**Applicant(s)**

LAURENT ET AL.

**Examiner**

Ed Baird

**Art Unit**

3695

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 19 November 2009.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☒ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Ed Baird/  
Examiner, Art Unit 3695

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 20 May 2009, 29 May 2009.

## **DETAILED ACTION**

### ***Acknowledgements***

1. This communication is in response to Applicant's communications filed on **18 September 2009** and **19 November 2009**. Amendments to **claim 1** have been entered. No claims have been added or canceled. Rejections made under 35 USC §101 and 35 USC § 103(a) in the last office action have been withdrawn in view of the amendments. Claims 1 – 18 are pending in this application.

### ***Allowable Subject Matter***

2. The following is a statement of reasons for the indication of allowable subject matter.
3. The prior art of record (**Nafeh et al** - US Pub. No. 2002/0069155; **Hunt et al** – US Patent No. 5,724,524; **Metcalfe et al** - US Pub. No. 2002/0138290; and **Nadan et al** – US Pub. No. 2005/0021346) teaches a network-based, computer-implemented method of fulfilling freight shipment between a first location and a second location.
4. **Nafeh** discloses an invention which includes methods and apparatus, to innovate trading of futures securities. This invention includes futures contracts tailored to specific clienteles; the notion of tickets and coupons as tradable futures contracts; the notion of redeemable bundles; and notion of realization of the futures market on the Internet; the apparatus of an Internet-based trading interface and engine; and the notion of cookie-cutter futures electronic Internet-based futures markets for each security.
5. **Hunt** discloses a method and system for listing and brokering a commodity and its financial derivatives [Abstract]. He further discloses object of his present invention as providing the financial markets with ability to **trade carrier capacity**. **Hunt** further describes a series of broad categories of the derivatives. These categories include carrier space available during a

particular time period in a particular region; all carrier space utilizing a particular **mode of transportation** within a given time frame; or a combination of categories.

6. **Metcalfe** discloses a system and methods for tracking, sharing and updating of information relating to supply chain purchasing transactions. She further discloses helping control access to purchase orders and delivery orders by using filters. Such filters may control access to specific data (e.g., purchase and delivery order) and direct users to specific data by exploiting the user defined attributes created in organizing and defining purchase and delivery orders. **Metcalfe** discloses restricting a supplier's access to only those purchase orders that are meant for that supplier by using such filters.

7. **Nadan** discloses a computer system for brokering a plurality of freight-shipments and carrier capacity and for trading transportation options on futures. He discloses mode of transportation (i.e. type of transport), market (e.g. spot, forward, or series of pickups and their corresponding dates), and lane (i.e. zone of origin and destination).

8. Even though, the prior art of record teaches the above-mentioned features, the prior art of record fails to teach:

- selecting, using said computer, a subset of said plurality of derivative contracts to satisfy said derivative purchase request with multiple separate derivative contracts, said subset including at least a first derivative contract for a first transportation mode of at least two transportation modes and a second derivative contract for a second transportation mode of said at least two transportation modes, said first transportation mode being different from said second transportation mode.
- providing, using said computer, said first specified information set to at least a recipient of said first specified recipient set based on said information restriction requirements, said first specified information set including at least one of shipment data

and shipment forecast data, said shipment forecast data pertaining to at least one of forecast capacity data and forecast shipping volume data for shipping between said first location and said second location.

9. For these reasons claim 1 is deemed to be allowable over the prior art of record and **claims 2 – 18** are allowed by dependency on allowed claims. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- (a) **Nadan et al** (US Pub. No. 20050021346) (Jan. 27, 2005) Method and system for creating marketplace visibility and administering freight shipments using fuzzy commodity transportation instruments.
- (b) **Bjerre et al** (US Pub. No. 2002/0178023) (November 28, 2002) Common carrier system.
- (c) **Bjerre et al** (US Pub. No. 2005/0091089) (April 28, 2005) Common carrier system.
- (d) **Bjerre et al** (US Pub. No. 2005/0091090) (April 28, 2005) Common carrier system.
- (e) **Bjerre et al** (US Pub. No. 2005/0091091) (April 28, 2005) Common carrier system.
- (f) **Cirolli et al** (US Pub. No. 2002/0082970) (Jun. 27, 2002) Integrated transportation.
- (g) **Clarke et al** (US Pub. No. 2003/0014288) (Jan. 16, 2003) System and method for managing transportation demand and capacity.
- (h) **Demetriades et al** (US Pub. No. 2004/0010578) (Jan. 15, 2004) Method, computer system and computer system network.



- (i) **Feldman et al** (US Pub. No. 2006/0218075) (Sep. 28, 2006) Exchange traded fund with futures contract based assets.
- (j) **Kawahara et al** (US Pub. No. 2002/0138293) (Sep. 26, 2002) Transaction adjusting device.
- (k) **Wied et al** (US Pub. No. 2005/0209913 ) (Sep. 22, 2005) Computer based system and method for facilitating commerce between shippers and carriers
- (l) **Kwan** (US Patent No. 6,990,467) (Jan. 24, 2006) Method, apparatus and program for pricing, transferring, buying, selling and exercising of freight cargo options on the World Wide Web.
- (m) **Williams et al** (US Pub. No. 2002/0032573) (Mar. 14, 2002) Apparatus, systems and methods for online, multi-parcel, multi-carrier, multi-service enterprise parcel shipping management.
- (n) **Kintis** (WO 0118671) (Mar. 15, 2001) Capital asset financing method involves computing payment to investor based on assumption of steady economic conditions and return of capital payment to terminate financing according to formula agreed in contract.
- (o) **Nadan et al** (WO 0215083) (Feb. 21, 2002) Transportation transaction brokering method involves creating transportation instruments by selecting matching sets of two sets of fuzzy commodities obtained by sorting shipping bids and carrier offers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Baird whose telephone number is (571)270-3330. The examiner can normally be reached on Monday - Thursday 7:30 am - 5:00 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles R. Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ed Baird/  
Examiner, Art Unit 3695

/Narayanswamy Subramanian/  
Primary Examiner, Art Unit 3695